

C G R F



B Y P L

Consumer Grievance Redressal Forum

FOR BSES YAMUNA POWER LIMITED

(Constituted under section 42 (5) of Indian Electricity Act, 2003)

Sub-Station Building BSES (YPL) Regd. Office Karkardooma,

Shahdara, Delhi-110032

Phone: 32978140 Fax: 22384886

E-mail:cgrfbyp@hotmai.com

SECY CHN-01508NKS

C A No. Applied For
Complaint No. 218/2023

In the matter of:

Rajan KapoorComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)
5. Mr. H.S. Sohal, Member

Appearance:

1. Mr. Vinod Kumar, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. R.S. Bisht & Ms. Chhavi Rani, On behalf of BYPL

ORDER

Date of Hearing: 22nd August, 2023

Date of Order: 30th August, 2023

Order Pronounced By:- Mr. P.K. Singh, Chairman

1. This complaint has been filed by Mr. Rajan Kapoor, against BYPL-GTR.
2. The brief facts of the case giving rise to this grievance are that complainant Mr. Rajan Kapoor applied for new electricity connection

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vide request no. 8006142250 at premises no. part property 488/3A/4, GF, Shop Dilshad Garden, Delhi-110095 but respondent rejected the application of the complainant for new connection on the pretext of building appearing in MCD objection list.

3. OP in its reply briefly stated that the complainant applied for new electricity connection vide application no 8006142250 at shop no. 488/3A/4, GF, Shop Dilshad Garden, Delhi-110095. OP further added that application for the new connection was rejected due to the address of the premises for which the new electricity connections applied appearing in the objection list of EDMC as per letter no. EE(B)-I/Sh(S)/2018/D-2018 and EE (B)-I/Sh-(S)/2019/D-873 dated 08.01.2018 and 16.07.2019 has booked for unauthorized construction in shape GF, FF, SF and raising columns at TF with projection and in shape of ground floor, first floor with projection. Therefore, as per DERC Regulations 2017, new connection cannot be provided to the complainant in terms of Regulation 10 of DERC Supply Code 2017. OP further added that the complainant claimed that his property is not in MCD list as his shop is numbered as 488/3A/4 whereas address appearing in the MCD list is bearing no. 488/3. It is also submitted that from the property documents placed on record by the complainant it is apparent that A/3, A/5 and A/4 are nothing but the private number given to the shops which are constructed in property bearing no. 488/3.
4. Arguments of both the parties are heard.
5. Representative of the complainant rebutted the contentions of the respondent as averred in their reply and submitted property chain since 1981 and the address of the property since 1981 is same as 488/3-A/4.



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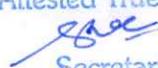
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He also submitted that he has sought connection in shop which is measuring 9'*15' only and MCD booking states unauthorized construction in shape GF, FF, SF and raising columns at TF with projection and in shape of ground floor, first floor with projection and the address of property which is booked is 488/3. From booking details it is clear that booked property is different from that of complainant.

6. LR of the OP submitted since the building is booked by MCD therefore, new connection is not feasible.
7. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at shop no. 488/3A/4, Dilshad Garden, Delhi-110032, but respondent raised objection that the said property, is booked by MCD vide order no. EE(B)-I/Sh(S)/2018/D-2018 and EE (B)-I/Sh-(S)/2019/D-873 dated 08.01.2018 and 16.07.2019 has booked for unauthorized construction in shape GF, FF, SF and raising columns at TF with projection and in shape of ground floor, first floor with projection. From perusal of the documents placed on record, OP in its reply has submitted that building status is ground plus 1 and no meter exist at applied building, but MCD booking of year 2018 is for GF, FF and SF, thus it is clear that complainant's premise was not booked by MCD in the year 2018, since the building is only ground plus one. Regarding, the booking of the year 2019, OP has not submitted any MCD list on record along with their reply and have just provided MCD booking letter number in their reply.

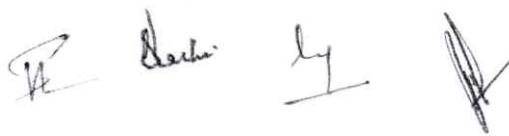
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Both the parties were directed to conduct site visit and same was done, the site visit report submitted by OP states that there are multiple premises of same address, therefore it is difficult to ascertain which premises are booked by MCD. The site visit report also stated that objection premises 488/3 in name of Nasheem could not be find and Objection premises 488/3-A black market, Dilshad Garden in the name of Virender Garg could not be find.

8. Therefore, we are of considered opinion that OP failed to prove that premises of the complainant is booked by MCD, therefore, complainant cannot be denied of his right of electricity.
9. Water and electricity are integral part of right to life. Hon'ble Supreme Court in the matter of Dilip (Dead) LR vs Satish, in case no. SCC online SC810 dated 13.05.2022 has held that electricity is basic amenity which a person cannot be deprived off. Even on the principle of law there should be equity before law and equal protection of law in the spirit of constitution.
10. We are of the view that the respondent may be directed to provide the connection with the condition that at the time of release of new connection the complainant should file an affidavit that if MCD takes any action against the encroached property then OP should be at liberty to disconnect the supply of the complainant.

Handwritten signatures of the complainant and witness.

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ORDER

Complaint is allowed. Respondent is directed to release the connection applied by complainant after completion of all the commercial formalities and after giving the undertaking regarding the fact that whenever MCD in future will take action against the illegal construction, OP is free to disconnect the new electricity connection.

The OP is also directed to file compliance report to this office within 21 days from the issue of this order.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(P.K.SINGH)
CHAIRMAN


(S.R. KHAN)
MEMBER-TECH


(P.K.AGRAWAL)
MEMBER-LEGAL


(NISHAT AHMAD ALVI)
MEMBER-CRM


(H.S. SOHAL)
MEMBER

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